TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark Kutney, AICP, Development Services Director/(954) 797-1101

SUBJECT: Resolution

DG 3-2-02 Michael Miller, AICP/Mario and Karon Zacco, 5011 State Road 7/Generally located on the west side of State Road 7, 350 feet

north of SW 51 Street.

AFFECTED DISTRICT: District 1

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE RESTRICTIVE NOTE OF THE "LESTER INDUSTRIAL PARK PLAT" (131-43), AND PROVIDING AN EFFECTIVE DATE

REPORT IN BRIEF:

The petitioner is requesting to amend the restrictive note of the Lester Industrial Park Plat.

<u>Current Plat Note:</u> This Plat is restricted to 143,000 square feet of general industrial. Commercial and retail uses are not permitted without approval of the Board of County Commissioners, who shall review and address these uses for increased impacts.

Proposed Plat Note: This Plat is restricted to 23,200 square feet of commercial use, 87,200 square feet of general industrial use and 15,300 square feet of mini-warehouse use.

Staff finds the proposed plat note consistent with the rezoning that was recently approved. The 23,200 square feet of commercial uses shall only be located on the B-2, Community Business District portion of the plat, and the industrial and mini-warehouse uses shall be located only within remainder of the plat which is zoned M-2, Medium Industrial District. It is noted that the owner shall satisfy Broward County traffic concurrency requirements by paying transit impact fees as the subject site lies within the urban in-fill area.

PREVIOUS ACTIONS: None

CONCURRENCES: None

FISCAL IMPACT: None

RECOMMENDATION(S): Motion to approve

Attachment(s): Resolution, Planning Report, Justification letter, Land use map, Subject site

map

RESOLUTION	

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION

TO

PLAT" (131-43), AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the boundary plat known as Lester Industrial Park Plat was recorded in the public records of Broward County in Plat Book 131, Page 43; and

WHEREAS, the owners desire to revise the restrictive note associated with said plat; and

WHEREAS, Broward County requires the Town of Davie to concur with this amendment prior to a review of the proposed amendment by the Broward County Commission.

NOW, FLORIDA. THEREFORE.

<u>SECTION 1</u>. The Town Council of the Town of Davie does hereby approve the proposed revision to the restrictive note show on the Lester Industrial Park Plat, the proposed revision being specifically described on the planning report and attachments which are attached hereto as Exhibit "A".

<u>SECTION 2</u>. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS	_ DAY OF	_,2002.
	MAYOR/COUNCILM	MEMBER

ATTEST:

TOWN CLERK		
APPROVED THIS	DAY OF	, 2002.

Application #: DG 3-2-02 Revisions:

Exhibit "A" Original Report Date: 4/11/2002

TOWN OF DAVIE

Development Services Department Planning & Zoning Division Staff Report and Recommendation

APPLICANT INFORMATION

Owner: Agent:

Name: Mario and Karon Zacco Name: Michael Miller, AICP

Address: 2011 SW 70 Avenue, Unit A-12 Address: 7544 Wiles Road, Suite C-202 City: Davie, FL 33317 City: Coral Springs, FL 33067

Phone: (954)474-3644 **Phone:** (954)757-9909

BACKGROUND INFORMATION

Application History: No deferrals have been requested.

<u>Application Request:</u> Petitioner is requesting to revise the restrictive note on the Lester Industrial Park Plat (131-43).

<u>Address/Location:</u> 441 Park of Commerce, 5011 State Road 7/Generally located on the west side of State Road 7, 350 feet north of SW 51 Street.

Future Land Use Plan Designation: Industrial

Zoning: M-2, Medium Industrial District and B-2, Community Business District

Existing Use: Vacant

Proposed Use: 23,200 square foot commercial retail center, 87,200 square feet of general industrial use and 15,300 square feet of mini-warehouse use.

Parcel Size: 9.2 acres (400,863 square feet)

Surrounding Land

<u>Surrounding Uses:</u> <u>Use Plan Designation:</u>

North: Winn Dixie Shopping Center Commercial South: Pelican Bay Commerce Park Industrial East: Commercial/retail/industrial within Commercial

the City of Hollywood

West: Industrial Park Industrial

Surrounding Zoning:

North: Griffin Corridor District, State Road 7 Node

South: M-2, Medium Industrial District

East: C-4, Medium-High Intensity Commercial District, City of Hollywood

West: M-3, Medium Planned Industrial Park District

ZONING HISTORY

Related Zoning History: None

<u>Previous Request on same property:</u> Town Council approved the Lester Industrial Park plat (131-43) on July 17, 1985, with a plat note restricting the plat to 143,100 square feet of general industrial use. Commercial and retail uses are not permitted without approval of the Broward County Board of Commissioners.

Town Council approved a delegation request for the Lester Industrial Park Plat (131-43), DG 5-3-98, to revise the access openings on June 17, 1998.

Town Council approved the Davie Commerce Center II site plan, SP 2-4-98, on July 15, 1998.

Town Council approved the 441 Park of Commerce site plan, SP 3-11-99 (formerly known as Davie Commerce Center II), on May 5, 1999.

Town Council approved the rezoning of 3.12 acres of the subject site, ZB 4-3-01 Laystrom/Zacco, from M-2, Medium Industrial District to B-2, Community Business District utilizing the Broward County 20% industrial to commercial flexibility rule, on November 7, 2001.

APPLICATION DETAILS

The petitioner is requesting to amend the restrictive note of the Lester Industrial Park Plat.

<u>Current Plat Note:</u> This Plat is restricted to 143,000 square feet of general industrial. Commercial and retail uses are not permitted without approval of the Board of County Commissioners, who shall review and address these uses for increased impacts.

Proposed Plat Note: This Plat is restricted to 23,200 square feet of commercial use, 87,200 square feet of general industrial use and 15,300 square feet of mini-warehouse use.

Applicable Codes and Ordinances

The effective code of ordinances governing this project is the Town of Davie Land Development Code.

Comprehensive Plan Considerations

<u>Planning Area:</u> The subject property falls within Planning Area 6. Planning Area 6 includes lands located south of State Road 84, east of University Drive and north of Nova Drive,

together with lands located east of the Florida Turnpike and west of State Road 7, south of State Road 84 and north of the south Town limits. The majority of this planning area is industrially zoned and land used plan designated. There are small commercial parcels along the State Road 7 corridor with one large retail center being located on the southeast corner of University Drive and State Road 84. Commercial flexibility has been applied to lands designated industrial on Nova Drive.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 81.

Applicable Goals, Objectives & Policies: Future Land Use Policy 7-4: Commercial land uses shall generally be located with access to primary transportation facilities including interstates, highways and arterials. Commercial uses located on arterials not designated by the Future Land Use Plan map as commercial corridors should be limited to the intersection of two arterials or arterials and interstates. Consistent with Policy 7-1, vacant land with such access shall be evaluated for potential commercial use.

Future Land Use Plan Implementation, Industrial Land Use Category: Commercial and retail business uses, hotel, motel, and similar lodging may be permitted with assignment of "commercial flexibility" as long as the total area of these uses does not consume more than 20 percent of the industrial land designated on the Davie Future Land Use Plan map within a flexibility zone, and as long as the location of these uses do not preclude or adversely affect the future use of the surrounding areas for industrial uses.

Staff Analysis/Findings of Fact

Staff finds the proposed plat note consistent with the rezoning that was recently approved. The 23,200 square feet of commercial uses shall only be located on the B-2, Community Business District portion of the plat, and the industrial and mini-warehouse uses shall be located only within remainder of the plat which is zoned M-2, Medium Industrial District. It is noted that the owner shall satisfy Broward County traffic concurrency requirements by paying transit impact fees as the subject site lies within the urban in-fill area.

Staff Recommendation

Recommendation: Based upon the above and the finding of facts in the positive, staff recommends **approval**, of petition DG 3-2-02.

	Exhibits
Justification letter	
2. Land use map	
3. Subject site map	
Prepared by:	Reviewed by:

MICHAEL MILLER PLANNING ASSOCIATES. INC.

Land Design Municipal Planning Services Transportation Planning

March 11th, 2002

TOWN OF DAVIE 6591 Orange Drive Davie, Florida 33314

Attention: Mark A. Kutney, AICP

Re:

LESTER INDUSTRIAL PARK 5000 BLOCK STATE ROAD 7

PLAT NOTATION AMENDMENT - DELEGATION REQUEST

ADDITION OF COMMERCIAL USE TO PLAT NOTE

MMPA Project No. 02-0101-0100

Dear Mr. Kutney:

My firm has been retained by Mario and Karon Zacco, the owners of the above referenced property, to prepare and process a Delegation Request before the Town of Davie - and Broward County that would have the effect of modifying a note on the recorded plat related to allowable uses and square footages within the boundaries of the property.

The Town of Davie recently rezoned a portion of the subject property adjoining State Road 7 (US 441) to B-2 Commercial. The project is currently designed to have a total of eight (8) buildings consisting primarily of industrial uses, however, the site plan approved by the Town identifies two (2) buildings within the area rezoned for commercial uses totaling 23,184 square feet. The Lester Industrial Park plat was recorded in 1985 and contains the following note:

"This Plat restricted to 143,100 square feet of general industrial use. Commercial and retail uses are not permitted without approval of the Board of County Commissioners, who shall review and address these uses for increased impacts."

In light of the actions of the Town, the plat note must be modified to allow commercial uses to be constructed on the property. In addition, the developer is also proposing miniwarehouse uses in one building that have much lower traffic generation characteristics than typical industrial uses. I have discussed this matter with your staff and staff members at Broward County to determine the proper procedures and submittal information. I understand the Town Council must approve such plat note modifications instead of the typical municipal consent letter provided by most cities.

Coral Springs, Florida 33067 Telephone: 954-757-9909

7544 Wiles Road

116

Suite C-202

LESTER INDUSTRIAL PARK DELEGATION REQUEST - PLAT NOTATION AMENDMENT March 11th, 2002 Page 2

Attached please find the following items required by your staff to process this petition through the Town:

- Justification Letter.
- The original Broward County Delegation Request application form with exhibits.
- One (1) full-size copy of the recorded plat.
- One (1) reduced copy of the recoded plat.
- A Broward County Informational TRIPS model computer run describing the estimated additional vehicle trips. It is estimated 200 additional trips will be generated by the plat note amendment. The County's TRIPS report identifies estimated trips per roadway link and roadway impact fees; however, please note the text on the cover page related to the property being located within the County's Urban Infill area. This means Transit Impact Fees will be paid on the increased trips rather than roadway impact fees. The County's note states that the dollar amounts are incorrect (some of the data is also incorrect SR 7 is now 6 lanes adjoining the plat).
- An application fee of \$195.00.

Please process this request at your earliest convenience and advise my office of any questions, submittal deficiencies and meeting dates so that the matter may be approved by the Town and submitted to Broward County for final approvals and recording.

Very truly yours,

Michael J. Miller/AICP

President

cc: Mario Zacco

Wayne Farler, Construction Manager

EXHIBIT "A"

LEGAL DESCRIPTION PLAT NOTATION AMENDMENT LESTER INDUSTRIAL PARK

Parcel A, Lester Industrial Park, according to the plat thereof, as recorded in Plat Book 131, Page 43, of the Public Records of Broward County, Florida.

MAR 1 3 2002

EXHIBIT "B"

LESTER INDUSTRIAL PARK PLAT BOOK 131, PAGE 43, BROWARD COUNTY RECORDS EXISTING PLAT NOTATION LANGUAGE RELATED TO ALLOWABLE LAND USES AND MAXIMUM SQUARE FOOTAGE

This Plat restricted to 143,100 square feet of general industrial use. Commercial and retail uses are not permitted without approval of the Board of County Commissioners, who shall review and address these uses for increased impacts.

. MAR 1 3 2002

EXHIBIT "C"

LESTER INDUSTRIAL PARK PLAT BOOK 131, PAGE 43, BROWARD COUNTY RECORDS PROPOSED PLAT NOTATION LANGUAGE RELATED TO ALLOWABLE LAND USES AND MAXIMUM SQUARE FOOTAGE

This Plat is restricted to 23,200 square feet of commercial use, 87,200 square feet of general industrial use and 15,300 square feet of mini-warehouse use.

MAR 1 3 2002

LESTER INDUSTRIAL PARK

021-INF-0

0	THIS TRIPS RUN WAS EXECUTED AS A DELEGATION REQUEST TO AMEND THE NOTE ON THE FACE OF THE PLAT FROM 143,100 SQ. FT. INDUSTRIAL USE TO 23,200 SQ. FT. COMMERCIAL, 87,200 SQ. FT. INDUSTRIAL, 15,300 SQ. FT. MINI WAREHOUSE.						
	HOWEVER, PLEASE BE ADVISED LOCATED WITHIN THE URBAN I TO TRANSIT IMPACT FEES. TH FOR TRAFFIC DISTRIBUTION P THE IMPACT FEE LISTED BELO	IS TRIPS RUN URPOSES ONLY	WAS EXE	CUTED			
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0	_			\$ 24792	4		
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0	SEG NO: 716 SR 7 FROM: SW 51 ST (NORTHBOUND) TO: STIRLING RD	4LD 3260	3849 3469 340 13	118.0 106.4 10.4 0.3	S	113338	
0	SEG NO: 717 SR 7 FROM: JOHNSON ST TO: HOLLYWOOD BLVD	4LD 3020	3002 113 1	117.1 99.4 3.7 0.1	S	5539	
0	SEG NO: 806 SR 7 FROM: HOLLYWOOD BLVD	32.60	3116 3218 185	103.2 98.7 5.6	S	2650	
0	TO: MADISON ST SEG NO: 994 DAVIE BLVD FROM: SW 15 AV TO: I-95	4LD 3020	3404 2706 383	0.1 104.4 89.6 12.6 0.1	s	2521	
0	SEG NO: 523 SR 7 FROM: WASHINGTON ST TO: PLUNKETT ST	3260	3090 3166 151	102.3 97.1 4.6 0.1	٠.ς	1840	
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0	SEG NO: 871 SR 7 FROM: MADISON ST TO: WASHINGTON ST	4LD 3260	3280 3218 189	100.6 98.7 5.7	s	1177	
0	SEG NO: 869 NOB HILL RD	4LD 3260	3408 3361 277	104.3 103.0 8.4 0.1	12	- 531	
0	TO: SR 84/1-595 SEG NO: 2259 HALLANDALE BEACH BLVD FROM: SW 56 AV	4LD 3020	3639 2797 569	111.5 92.6 18.8	s	605	
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0	RAVENSWOOD RD FROM: GRIFFIN RD	OL 2	978 137	98.7	S	456
	TO: SW 42 ST SEG NO: 1194		1116	112.6		
0	DAVIE BLVD	4LD	3062 385	101.3	S	350
	FROM: 1-25 TO: SW 23 AV SEG NO: 538	3020	1	/ 0.1		
1	SEG NO: 548 SW 30 AV	OL2	3448	114.1 100.7	s	300
_	FROM: SW 42 3-T TO: GRIFFIN RD	990	18/3	18.4		
	SEG NO: 1546	4LD	1/81 2997	119.2	s	285
0	NOB HILL RD FROM: BROWARD BLVR	3020	193	6.3	•	207
	TO: NW 6 ST SEG NO: 1231	/	3191	0.1		
0	FROM: SW 40 AV	4LD 3020	2970 556	98.3 18.4	S	256
	TO: SW 56 AV SEG NO: 918	/	3526	0.1 116.8		
0	SHERIDAN ST FROM: PALM AV	\$260	3686 170	113.0	\$	246
	TO: DOUGLAS RD	/ 100	3857	0.1		
0	SEG NO: 775 MIRAMAR PKWY	4LD	2872	88.0	S	236
	FROM: DOUGLAS RD TO: PALM AV	3260	495 1	15.1		
0	SEG NO: 1002 PINE ISLAND RD	Å 4LD	3368 2956	103.2 90.6	s	217
•	FROM: ORANGE GROVE DR TO: SR 84/I-595	3260	748	22.9		
	SEG NO: 1589	\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	3705 2905	113.6	s	159
0	ROCK ISLAND RD FROM: MCNAB RD	2880	149	100.8	,	139
	TO: BAILEY RD SEG NO: 282		3055	0.1		
0	ROCK ISLAND RD FROM: BAILEY RD	2880	2861 166	99.3 5.7	5	159
	TO: COMMERCIAL BLVD SEG NO: 283	\	3028	0.1		
0	HIATUS RD /	OL2 990	923 210	93.2	S	134
	FROM: STIRLING RD TO: SE LAKE BLVD	990	₩.	0.1		
0	SEG NO: 1127 / PINES BLVD	610	1133	114.5 86.9	Š	115
	FROM: I-75 TO: GRAND PACMS DR	4890	2069	42.3		
0	SEG NO: 833 NOB HILL RD	4LD	6321 2997	129.3 99.2	s	113
	FROM: NW 6 51 TO: CLEARY BLVD	3020	158	5.2 0.1		
	SEG NO: 1/586	4LD	3156 3836	104.5	\s	104
0	ATLANTIC BLVD FROM: NE 11 AV	3020	194	6.4	/,	104
	TO: CYPRESS RD SEG NO: 184		4030	133.5		
1	ATLANTIC BLVD FROM: US 1	4LD 3020	3173 194	105.0 6.4	s '	95
	TO NE 11 AV SEG NO: 185		3367	0.1		/
0	HOB HILL RD	4LD	3361	103.0	S	34
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0	PINE ISLAND RD	4LD 3260	2956 626	90.6 19.2	S	/ 91
	FROM ORANGE GROVE DR TO: NOVA DR	3200	1	0.1	/	/
	SEG NO. 648	4.5	3583	109.9	./	85
0	POWERLINE RD FROM: HICUSBORO BLVD	4LD 3020	3183 363	105.3	1	83
	TO: WEST DR		0	0.1	/	
0	SEG NO: 34 ROCK ISLAND RD	OL4	3546 2949	117.4/	s	76
•	FROM: TAM O SMANTER BLVD	2880	148	5/1	-	
	TO: MCNAB RD SEG NO: 234		3098	5/1 0.1 107.5		
0	POWERLINE RD	4LD	2988	/ 98.9	S	60
	FROM: NW 6 ST	3020	352	11.6		
	TO: HILLSBORO BLVO		3340	110.6		
0	ROCK ISLAND RD	0L4	3079 268	106.9	S	57
	FROM: ATLANTIC BLVD TO: SOUTHGATE BLVD	2880	∕"	9.3		
	SEG NO: 231	4.5	/3347	116.3		
0	SHERIDAN ST FROM: HIATUS RD	4LD 3260 /	2700 771	82.8 23.6	s	51
	TO: FLAMINGO RD	/	0	0.1		
0	SEG NO: 771 ROCK ISLAND RD	01/4	3471 2949	106.5	s	49
	FROM: KIMBERLY BLVD	2,8780	152	5.2	-	
	TO: TAM O SHANTER BLVD SEG NO: 1120	\ /	3102	0.1 107.6		
0	POWERLINE RD	V 4LD	3183	105.3	5	48
	FROM: WEST DR TO: SE/SW 10 ST (DFB)	3020	534 1	17.6 0.1		
	SEG NO: 35	/ \	3718	123.0		
0	ROCK ISLAND RD	/ 30L4	3014 401	104.6	S	45
	FROM: FOREST BLVD TO: KIMBERLY BLVD	2880	401	13.9		
	SEG NO: 233		3416	118.6		
0	ROCK ISLAND RD FROM: SOUTHGATE BLVD	0L4 2880	3014 298	104.6	s	44
	TO: FOREST BLVD	,	\ 0	0.1		
1	SEG NO: 232 WILES RD	4LD	2312	115.0 89.3	s	42
· .	FROM: CREEKSIDE DR	3260	433	13.8		
-	TO: ROCK ISLAND RD		3365	0.1	٠.	
0	DIXIE HWY	2LU	1661	119.4	5	36
	FROM: PALM BEACH COUNTY LINE TO: NE 2 ST	1390	260	18.7		
_	SEG NO: 4 /		1921	138.2		
0	FROM: BROWARD BLVD	0L4 2170	1883 366	86\7 16.8	\$	36
	TO: SW 2 SX	2270	0	0.1	\	
0	SEG NO: 530 SW 184 AV	OL2	2249 865	103.6 87.3	1	36
~	FROM: SHĘŔIDAN ST	990	208	21.0	1	30
	TO: JOHNSON ST		1073	0.1 108.4	\	
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	TO: / JOHNSON ST SEØ NO: 822		3055	0.1 101.2		/
		Page 3				`

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0	PROSPECT RD	OL2	1696	171.3	s	/ 26
•	FROM: PROSPECT RD	990	169	17.0		
	TO: NW 27 AV		. 0	0.1	_/	
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0	WILES RQ	4LD	2912	89.3	/ \$	23
	FROM: SR	3260	489	15.0		
	TO: CREEKSIDE DR		2401	104.4		
_	SEG NO: 1578	OL2	3401 626	63.2	s	23
0	SW 172 AV	990	433	43.7	•	23
	FROM: PEMBROKE RD TO: MIRAMAR PRWY	990	7,5/	0.1		
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	TO: 0.41 MI N OF PINES BLVD	/	0	0.1		
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0	UNIVERSITY DR	41/0	2467	81.6	s	21
	FROM: WILES RD	3020	715	23.6		
	TO: WESTVIEW DR		0	0.1		
	SEG NO: 1150	/	3182 2988	105.3	S	20
0	POWERLINE RD	4LD 3020	307	98.9 10.1	3	20
	FROM: PALM BEACH COUNTY LINE	3020	307	0.1		
	TO: NW 6 ST SEG NO: 7		3295	109.1		
0	PINES BLVD	6LD	4252	86.9	S	20
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	TO: DYKES RD	1,000	0	0.1		
	SEG NO: 832		5884	120.3	_	
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0	SHERIDAN ST	4LD 3260	3484 720	22.0	3	43
	FROM: 0.13 MT E OF SW 160 AV	3200	750	0.1		
	TO: SW 168 AV SEG NO: 1670		4204	128.9		
0	SW 184 AV	OL2	548	55.3	S	9
0	FROM: FEMBROKE RD	990	465	46.9	-	-
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